

FILED

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

AUG 30 2012

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

#06429-082
RAYMOND GAGNON

POB 1010
Plaintiff,

v. *BASTROP, TX 78602*

**FEDERAL BUREAU OF
INVESTIGATION,
170 Marcel Drive, Winchester,
VA 22602-4843,**

and

**EXECUTIVE OFFICE FOR UNITED
STATES ATTORNEYS,
600 E. Street, N.W.
WASHINGTON, D.C. 20530
Defendants.**

Civil No. _____

Case: 1:12-cv-01433

Assigned To : Kollar-Kotelly, Colleen

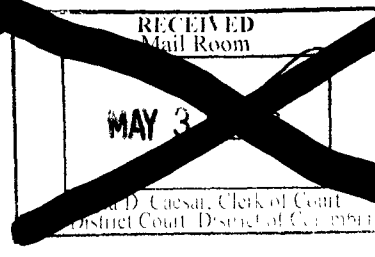
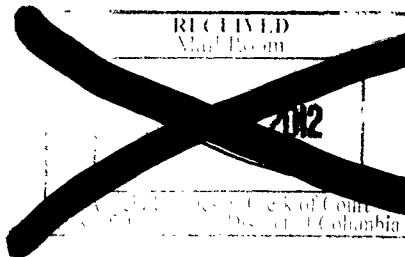
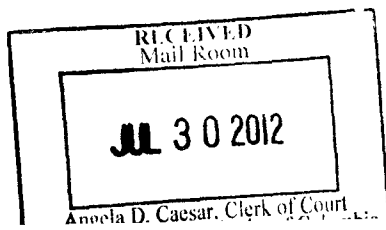
Assign. Date : 8/30/2012

Description: FOIA/Privacy Act

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

COMES NOW Petitioner, Raymond Gagnon, *pro se*, who respectfully moves this Court for an Order of Declaratory and Injunctive Relief in this action, under 5 U.S.C. § 552, the Freedom of Information Act. Plaintiff respectfully requests this Court issue an Order that the Federal Bureau of Investigation and Executive Office for United States Attorneys, ("FBI" and "EOUSA") to disclose requested records. In support of this Motion, Plaintiff would show as follows:

1. This is an action under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 582, as amended, and the Privacy Act ("PA"), 5 U.S.C. § 582a, to order the production of agency



records previously requested by Plaintiff pursuant to the above referenced Acts and which requests have been ignored by the defendant agencies.

2. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(A)(4)(b); 5 U.S.C. § 552a(g)(1)(B); (g)(1)(D); (g)(3)(A); (g)(3)(B); (g)(4)(A); and (g)(4)(B).

3. Plaintiff Raymond Gagnon is a federal prisoner in the Federal Correctional Institution at Bastrop, Texas. He is the requestor of the withheld records.

4. Defendants Federal Bureau of Investigation and Executive Office for United States Attorneys are agencies of the United States, and they has possession of, and control over the records that Plaintiff seeks.

5. On February 16, 2012, Plaintiff made the following request to the defendant agency FBI. A true copy of this request is attached as Exhibit A. No responsive documents have ever received.

All FBI 302's, Reports of Investigation, or documents of any sort relating to any investigations of me in Alabama, Texas, New Hampshire.

On February 16, 2012, Plaintiff made the following request to the defendant agency Executive Office for United States Attorneys. A true copy is attached as Exhibit B:

Copies of all reports, memorandums, investigative material of any sort, memorandums of any interviews, copies of all communication of any sort, e-mail, phone, fax, letter, to or from any person connected with the investigation of me in the Western District of Texas, Alabama, or New Hampshire. I request a copy of the entire file of my case possessed by the U.S. Attorney's Office.

6. Over sixty (60) days have passed since the Agencies received the request, and the agencies have provided no documents requested.

7. Plaintiff has a statutory right to the records he seeks, and there is no legal basis for the defendants' refusal to disclose them to him. Plaintiff has made a showing that the FBI and EOUSA have improperly withheld agency records.

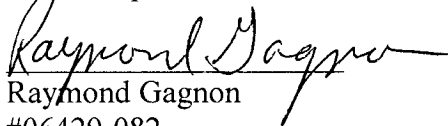
8. Therefore, Plaintiff prays that this Court:

A. Declare the defendants' refusal to disclose the records requested by Plaintiff is unlawful;

B. Issue an injunction to prevent the FBI and EOUSA from relying on their invalid practice of either: (i) not responding at all to FOIA/PA requests; or (ii) responding with a standard form "10 day letter" and then not taking any action honoring or denying the request; (iii) make a written finding that the circumstances surrounding the withholding raise questions whether there has been arbitrary or capricious agency action and make a referral to the Merit Systems Protection Board for investigation pursuant to subsection (a)(4)(F); (iv) award Plaintiff his costs and reasonable fees in this action; (v) expedite this lawsuit pursuant to 28 U.S.C. § 1657(a); and grant such other and further relief as the court may deem just and proper.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746 the foregoing is true and correct, to the best of my knowledge.

Dated: April 12, 2012


Raymond Gagnon

#06429-082

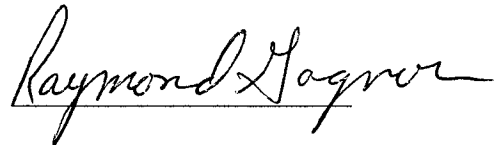
P.O. Box 1010

Bastrop, TX 78602-1010

CERTIFICATE OF SERVICE

I hereby certify that on May 25, 2012 I sent a true and accurate copy of the foregoing to Federal Bureau of Investigation, 170 Marcel Drive, Winchester VA, 22602-4843; and Executive Office for United States Attorneys, 600 E. Street, N.W. Room 7300, Washington, DC 20530 via first-class mail, postage prepaid.

Date: May 25, 2012

A handwritten signature in black ink that reads "Raymond Gagnon". The signature is fluid and cursive, with the first name "Raymond" and last name "Gagnon" clearly distinguishable.

Raymond Gagnon

FREEDOM OF INFORMATION ACT/PRIVACY ACT REQUEST

NOTICE:

NOTICE TO THE AGENT IS NOTICE TO THE PRINCIPAL
NOTICE TO THE PRINCIPAL IS NOTICE TO THE AGENT
APPLICABLE TO ALL ASSIGNEES AND SUCCESSORS

TO: FBI FOIA/PA Request
170 Marcel Drive
Winchester, VA 22602-4843

FBI FOIA/PA Request
Room 6296 JEH
900 Pennsylvania Ave NW
Washington, DC 20535-0001

DIRECT RESPONSE TO:

Raymond Gagnon
USM # 06429-082
P.O. Box 1010
Bastrop, TX 78602-1010

IDENTIFICATION OF REQUESTER:

[IN ACCORDANCE WITH: 28 CFR 16.11 (d)]

U.S. Marshal No. 06249-082
DOB: 11/03/67
SS#: 005 60 7861

This is a non-commercial request for information pursuant to: [TITLE 5 USC §§ 552, 552(a)(d)(1), 552(a)(4)(v)], for a copy of all records in the possession of your agency concerning specifically:

All FBI 302's, Reports of Investigation, or documents of any sort relating to any investigations of me in Alabama, Texas, ~~New Hampshire~~. * RG

* Correction - Vermont
RG

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I agree to pay any reasonable costs/fees applicable to this request, above beyond the specified fees/costs applicable at no charge pursuant to the Uniform Practice Code, the OMB Uniform FOIA schedule & guidelines 6(b), FEDERAL REGULATION 10017, in compliance with [Title 31 USC §§ 9701], or if I am considered indigent, I ask that all costs/fees be WAIVED by your agency, pursuant to [Title 5 USC §§ 552(a)(i)(3) et seq.]

In accordance with the statute, I will expect a response within the Ten (10) days allotted.

I certify, under the penalty of perjury, under the laws of the United States of America, in the Nature of: [Title 28 USC 1746(1)] that I have read the foregoing request for records and knowing the contents thereof, and that the information listed herein/above, full name, correct address, is correct, true and complete.

EXECUTED THIS 16 day of February, 2012.

Signed Raymond D. Hagan

c/c

Exhibit B

FREEDOM OF INFORMATION ACT/PRIVACY ACT REQUEST

NOTICE:

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APPLICABLE TO ALL ASSIGNEES AND SUCCESSORS

TO: UNITED STATES ATTORNEY FOIA/PA Request
601 NW Loop 410
San Antonio, TX 78216

DIRECT RESPONSE TO:

Raymond Gagnon
USM # 06429-082
P.O. Box 1010
Bastrop, TX 78602-1010

IDENTIFICATION OF REQUESTER:

[IN ACCORDANCE WITH: 28 CFR 16.11 (d)]

US Marshal No. 06429-082

SS# 005 60 7861

DOB: 11/03/67

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Copies of all reports memorandums, investigative material of any sort, memorandums of any interviews, copies of all communication of any sort, e-mail, phone, fax, letter, to or from any person connected with any investigation or prosecution of me in the Western District of Texas, Alabama, or New Hampshire. I request a copy of the entire file of my case possessed by the U.S. Attorney's Office.

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~~APPLICABLE TO ALL ASSIGNEES AND SUCCESSORS~~

TO: UNITED STATES ATTORNEY
Federal Courthouse
1800 Fifth Avenue
Birmingham, AL 35203
FOIA/PA Request

DIRECT RESPONSE TO:

Raymond Gagnon
USM # 06429-082
P.O. Box 1010
Bastrop, TX 78602-1010

IDENTIFICATION OF REQUESTER:

[IN ACCORDANCE WITH: 28 CFR 16.11 (d)]

US Marshal No. 06429-082

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In accordance with the statute, I will expect a response within the Ten (10) days allotted.

I certify, under the penalty of perjury, under the laws of the United States of America, in the Nature of: [Title 28 USC 1746(1)] that I have read the foregoing request for records and knowing the contents thereof, and that the information listed herein/above, full name, correct address, is correct, true and complete.

EXECUTED THIS 16 day of February, 20 12.

Signed Raymond Gagnon

c/c